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T H E
T R I A L
O F
T H O M A S B O U L T E R
=
A N D
J A M E S C A L D W E L L,

T H E T W O N O T E D F L Y I N G

H I G H W A Y M E N;

Who have for some Time past committed numerous
Highway robberies in all parts of this Kingdom.

Convicted at the CASTLE of WINCHESTER,

On FRIDAY the 31st of JULY, 1778.

B E F O R E T H E

H O N. S I R F R A N C I S B U L L E R, K N T.

Of robbing WILLIAM EMEERY on the King's Highway, near Horn-
Dean, Hants,

And of stopping and robbing the Passengers in the Bath Diligence,
between ROMSEY and SOUTHAMPTON, in the same County.

The whole faithfully taken down in COURT.

12°
WINTON, PRINTED BY J. WILKES.

SOLD by S. CROWDER, AND G. ROBINSON, IN PATER-
NOSTER-RW, LONDON, COLLINS AND JOHNSON IN
SARUM, AND MAY BE HAD OF ALL OTHER BOOK-
SELLERS AND OF THE NEWSMEN.

Rec. Feb. 20, 1893

THE
T R I A L
OF
T H O M A S B O U L T E R
AND
J A M E S C A L D W E L L.

ON Friday July the 31st about ten o'clock in the forenoon, at the Castle of Winchester, came on the trial of *Thomas Boulter* and *James Caldwell*, indicted for committing eight several assaults and robberies in different parts of the county of Southampton. When the prisoners were put to the bar, and the Jury began to be called over, *Boulter* addressed himself to the Court, saying, "he was extremely sorry that he "thought himself under the necessity of requesting a fresh jury; he did not love to be troubled some; but as he had particular reasons, hoped "the Court would indulge him in his request." The Court immediately complied, and ordered

a fresh jury to be impannelled, who were as follow :

William Knowles
John Arthur
John German
William Redstone
William Howe
Moses Morris

John Poore
William Boyce
Jonathan Waldron
Benjamin Goodeve
Henry Tricker
Thomas Jenvey.

COPY of the INDICTMENTS.

Southampton }
to wit. }

- I. The Jurors of our Lord the King upon their oath present, that *Thomas Boulter*, late of the parish of Horn-Dean in the county of Southampton, labourer, and *James Caldwell*, late of the same place, labourer, on the sixteenth day of May, in the eighteenth year of the reign of our Sovereign Lord George the Third King of Great Britain, &c. with force and arms at the parish aforesaid in the County aforesaid, in the King's highway there, in and upon one *William Embery*, in the peace of God and our said Lord the King, then and there being, feloniously did make an assault, and him the said *William Embery* in corporal fear and danger of his life in the King's highway aforesaid, then and there feloniously did put,---and one watch with the box and case made of silver, of the value of three pounds, and seven shillings

lings and sixpence in monies numbered, of the goods, chattels and monies of the said *William Embery*, from the person and against the will of the said *William Embery*, in the King's highway aforesaid, then and there feloniously and violently did steal, take, and carry away, against the peace of our said Lord the King, his crown and dignity.

- II. The Jurors of our Lord the King upon their oath present, that *Thomas Boulter*, late of the parish of Romsey extra, in the county of Southampton, labourer, on the fifteenth day of October, in the seventeenth year of the reign of our Sovereign Lord George the Third, King of Great Britain, &c. with force and arms at the parish aforesaid, in the county aforesaid, on the King's highway there, in and upon one William Noyes, in the peace of God and our said Lord the King, then and there being, feloniously did make an assault, and him the said William Noyes in corporal fear and danger of his life, in the King's highway aforesaid, then and there feloniously did put, and one watch with a metal box and case, of the value of three pounds, one canvas bag of the value of one penny, and sixteen shillings in monies numbered, of the goods, chattels, and monies of the said William Noyes, in the King's highway aforesaid, then and there feloniously and violently did steal, take, and carry away, against

the peace of our said Lord the King, his crown and dignity.

III. And the Jurors of our said Lord the King upon their oath present, that *Thomas Boulter*, late of the parish of Romsey extra, in the said county, on the 15th day of October, in the seventeenth year of the reign of our Sovereign Lord George the Third, with force and arms in the parish aforesaid, in the King's highway there, in and upon one *Thomas Young*, then and there being, feloniously and violently did assault, and one silver watch, value three pounds, one canvas bag, value one penny, and thirty-one pounds and ten shillings in monies numbered, of the goods, chattels, and monies of the said *Thomas Young*, from the person and against the will of the said *Thomas Young*, then and there feloniously and violently did steal, take, and carry away against the peace, &c.

IV. And the Jurors of our said Lord the King, upon their oath present, that *Thomas Boulter*, late of the parish of *Milbrook*, in the county aforesaid, on the eleventh day of February, in the eighteenth year of the reign of our Sovereign Lord George the Third, &c. with force and arms in the parish aforesaid, in the King's highway there, in and upon one *William Harvest*, Clerk, then and there being, feloniously and violently did assault, and one watch,

watch, with the box and case made of gold, of the value of ten pounds, and fifteen shillings in monies numbered, of the goods, chattels, and monies of the said William Harveſt, from the perſon and againſt the will of the ſaid William Harveſt, then and there feloniously and violently did ſteal, take, and carry away, againſt the peace, &c.

V. And the Jurors of our ſaid Lord the King on their oaths preſent, that *Thomas Boulter*, late of the pariſh of Weſtmeon, in the county aforeſaid, and *James Caldwell*, late of the ſame place, on the 10th day of May, in the eighteenth year of the reign of our Sovereign Lord George the Third, &c. with force and arms in the pariſh aforeſaid, in the King's highway there, in and upon one Margaret Hamilton, wife of William Hamilton, then and there being, feloniously and violently did aſſault, and one watch with a gold box and chaſed caſe, of the value of ten pounds, one gold watch-chain, of the value of five pounds, one ſtone ſeal ſet in gold of the value of forty ſhillings, and two locketts ſet in gold, of the value of forty ſhillings, goods and chattels of the ſaid Margaret, from the perſon and againſt the will of the ſaid Margaret, then and there feloniously and violently did ſteal, take, and carry away, againſt the peace, &c.

VI. And the Jurors of our said Lord the King upon their oaths present, that *Thomas Boulter*, late of the parish of Nursling, in the county aforesaid, on the fifteenth of October, in the seventeenth year of the reign of our Sovereign Lord George the Third, &c. with force and arms in the parish aforesaid, in the King's highway there, in and upon one William Mason, then and there being, feloniously and violently did assault, and one watch with the box and case made of silver, of the value of three pounds, one steel watch chain of the value of twelve-pence, one silver-seal of the value of two shillings, and forty-two shillings in monies numbered, of the goods, chattels and monies of the said William Mason, then and there feloniously and violently did steal, take and carry away, against the peace, &c.

VII. And the Jurors of our said Lord the King upon their oaths, present, that *Thomas Boulter*, late of the parish of Westmeon, in the county aforesaid, and *James Caldwell*, late of the same place, on the tenth day of May, in the eighteenth year of the reign of our Sovereign Lord George the Third, &c. with force and arms, in the parish aforesaid, in the King's highway there, in and upon one John Walker, then and there being, feloniously and violently did assault, and one
pound

pound eleven shillings and six-pence in monies numbered, of the monies of the said *John Walker*, then and there feloniously and violently did steal, take, and carry away, against the peace, &c.

VIII. And the Jurors of our said Lord the King upon their oaths present, that *Thomas Boulter*, late of the parish of Westmeon, in the county aforesaid, and *James Caldwell*, late of the same place, on the tenth day of May, in the eighteenth year of the reign of our Sovereign Lord George the Third, &c. with force and arms, in the parish aforesaid, in the King's highway there, in and upon one William Hamilton, then and there being, feloniously and violently did assault, and one watch, with the box and case made of gold, of the value of twenty pounds, one gold chain of the value of four pounds, one stone seal set in gold, of the value of four pounds, one stone seal set in gold, of the value of twenty shillings, and one silk purse of the value of six-pence, the goods and chattels of the said William Hamilton, then and there feloniously and violently did steal, take, and carry away, against the peace, &c.

The

The first evidence called was

WILLIAM EMBERY.

Q. What are you ?

A. A labouring man belonging to his Majesty's Dock-yard.

Q. Do you remember the 10th of May last ?

A. Yes, my Lord.

Q. Did any thing particular happen to you that day ?

A. Yes, my Lord, I was stopped by two men near Horndean.

Q. What time of the day was you stopped ?

A. Between seven and eight o'clock in the evening.

Q. Did you ever see the men before they stopped you ?

A. No, my Lord, not to my knowledge.

Q. Do you know the men again ?---Look at the prisoners---Are they the men who stopped you ?

A. Yes, my Lord, I am positive they are the men.

Q. What did they say ?

A. They bid me stop, and Boulter demanded my money.

Q. Are you sure it was Boulter ?

A. I am very sure.

Q. Had they any fire-arms, or other weapons ?

A. Yes, they had pistols.

Q. Did they present them to you ?

A. Yes,

A. Yes, Boulter presented his pistol, saying,
Your money or your life.

Q. Did you give him your money?

A. I gave him three half-crowns, and he then asked for my watch?

Q. Did you give it him?

A. I did, but requested he would return it me again, as I set a particular value on it.

Q. What did he say?

A. No, he should not return it, for they ventured their lives for what they got, and therefore he would have it.

Q. Did you never see either of them before this happened?

A. Never, that I recollect.

CROSS-EXAMINATION by COUNCIL.

Q. How can you swear to these men?

A. Because I took particular notice of them?

Q. Was it not dark when they stopped you?

A. It was not dark.

Q. Which of them robbed you?

A. Boulter.

Q. What cloaths had he on?

A. A light-coloured great coat.

Q. How could you, from the window of the chaise, so particularly distinguish their persons?

A. I was not in a chaise, but in an open cart.

Q. How long were they in robbing you?

A. About five minutes.

Q. Are you sure Caldwell was there?

A. I am

A. I am sure he was the other person.

Q. Did he say any thing?

A. Yes, when I hesitated about giving the watch, he said, *Come dam'me be quick, for we have no time to lose.*

To the PRISONERS.

Q. Would you ask this witness any questions?

Boulter. No; but I was not within a mile of the place when they were robbed.

Q. Would you call any witness in your behalf?

Boulter. I have not witness to call, but shall rest my case upon the mercy of the Court.

THOMAS WOOLDRIDGE sworn.

Q. What are you?

A. My name is Thomas Wooldridge, and am the keeper of the bridewell at Birmingham.

Q. Do you know any thing of the prisoners at the bar?

A. Yes, my Lord, I know them well.

Q. What do you know of them?

A. On the 14th of May last, one Aaron, a Jew, who keeps a goldsmith's shop in Birmingham, called and told me, that he had been offered a gold watch by a person in the market-place, which he supposed had been stolen; that he declined buying it in the market-place, but had desired the man to call at his house with it towards the evening, and he would purchase it of him. Some little time after the Jew went home, I followed him

him to the door of his house, where I saw Boulter with a gold watch in his hand, offering it to the Jew for sale. I stepped into the shop, and tapped him on the shoulder, saying, you are in custody. He seemed very much confused, and made towards the door, but I caught hold of him by his two sides, and rubbed my hand up the side of his coat, where I thought I felt a pistol. I then searched him, and found a pistol in his breast-pocket, and another in each of his coat-pockets, which on examining I found were all loaded with three cut or jagged slugs in each pistol. I proceeded to search him, and found in one of his pockets a lady's gold watch, and gold equipage, and in another of his pockets I found a gold watch, with a gentleman's chain. I then took him before a magistrate, and on his examination it came out that he had a companion in town, which I was also determined to apprehend if possible. I enquired out the way they came into town, and found that they put up at the sign of the Waggon and Horses: When I came to the inn, I enquired whether two strange men had not come in there to day?---The Landlord replied, yes. I asked him if he could tell me where to find them---He said one was then in the parlour, but the other had gone out some time. I desired to be shewn into the parlour, where I seized Caldwell, and on searching him I found a gold watch, a silver watch, and a brace of loaded pistols upon him.

Q. Have

Q. Have you either of the watches by you that were taken from Caldwell?

A. I have, my Lord.

Q. Have you the silver watch?

A. Yes, my Lord.

Q. Produce it.

A. I will, my Lord.

WILLIAM EMBERY.

Q. Should you know your watch again were you to see it?

A. I should, my Lord.

Q. Do you think that this is the watch you lost?

A. It is the very watch Boulter robbed me of.

Q. How do you know it is the same watch?

A. By the maker's name, and the No. which is 214.

Q. Can you swear to it?

A. Yes, I can swear positively to it.

THOMAS WOOLDRIDGE.

Q. Do you know any thing further of the prisoners?

A. Yes. On the Friday following they desired to have their great coats, which they said were left at the inn where they put up.--I went for the great coats myself, and on searching them, found a yellow bag of gunpowder in the pockets of one and a brace of pistols in the other, loaded in the same manner as those before-mentioned.

Q. Who

Q. Who did the coat belong to that contained the loaded pistols ?

A. I carried them together to the prisoners into the dungeon, and Caldwell owned that which had the pistols.

Q. What passed at that time ?

A. I asked Caldwell several questions concerning the watches ; and he told me the watch sworn to by the last evidence, he bought near a year and a half ago of a watchmaker at Gloucester ; but from time to time was in many different stories concerning them.

To the PRISONERS.

Q. Have you any witnesses to call in your defence ?

Caldwell. Yes, my Lord, my servant is in Court, who will prove that I was near 100 miles from the place when the robbery was committed.

SARAH PASHUR Sworn.

Q. Did you live any time in May last with Caldwell ?

A. I did, in the capacity of a maid-servant.

Q. Do you remember where Caldwell was at that time, particularly on the 10th of May.

A. Yes, he was ill, and confined to his room at Bristol for three months before the 10th of May ; but on the 11th of May he went from home.

Q. Do

Q. Do you know what time of the day he went from home?

A. No, not for certainty; but I believe it was towards the evening.

Q. Why or how do you recollect it was on the 11th of May he went from home?

A. I believe it was, to the best of my remembrance.

Q. Will you swear positively he did not go from home before the 11th of May?

A. No, not positively.

Q. Then you are not sure he went from home on that day particularly?

A. No; only to the best of my knowledge.

Neither of the prisoners making any defence, the Judge proceeded to sum up to the Jury the preceding evidence, with several apt and sensible remarks on the nature of the evidence just given, which appeared in some respects to be contradicted by the last witness, who endeavoured to prove that her master Caldwell was at the instant of time when the robbery was committed, at a very considerable distance from the place.--- And though nothing had been brought by Boulter either in his favour or defence, yet, if the prosecutor was mistaken in the person of Caldwell, he was equally liable to have mistaken the person of Boulter, and consequently if they believed the last evidence (who did not swear positively) there would be sufficient grounds to acquit them both; but if they thought the evidence of the prosecutor (who appeared in all respects

spects to be a creditable witness, and had sworn positively to their persons, as well as to his watch which was found upon them, they would, in such case, be obliged to discredit the last witness, and of course find both the prisoners guilty.

The jury, after consulting about five minutes, brought them in **BOTH GUILTY.**

When the Jury had returned their verdict, Caldwell was taken from the bar, and the Court proceeded to try Boulter on the second indictment. The only evidence called on this indictment was

Mr. WILLIAM NOYES, of Southampton.

Q. What are you?

A. I am a wine-merchant at Southampton.

Q. Do you recollect any thing particular happening to you on the 15th of October last?

A. Yes.

Q. What was it?

A. Coming from Bath to Southampton in the Diligence that day, I observed a man ride hastily by, between five and six o'clock in the evening, upon the turnpike-road leading from Southampton to London. He turned short round, and rode up to the side of the Diligence, ordering the driver to stop, and tapped at the window.

Q. Was any other person in the Diligence at that time?

B

A. Yes,

A. Yes, Mrs. Dawson, and a fervant-maid of Millbrook.

Q. What happened further?

A. He came up to that side of the Diligence where Mrs. Dawson sat, and he robbed her first. He then demanded my money; but observing the driver looked at him, he said, "don't look so much at me, but turn your head the other way;" he then insisted on my money, which I gave him.

Q. What was the sum you gave him?

A. A half-guinea, a dollar, and some silver.

Q. How did he proceed then?

A. When he had taken my money, he asked for my watch, which I refused. He said he was certain I had a watch, and he would have it, for he had seen it before. I told him he must be greatly mistaken. He said he was not, for that he had seen it three days ago, and he had seen it that morning also, and therefore he insisted he would have it. I then pulled it out, and held it out to him, saying, It is only a pinchbeck watch, and will be of no use to you, and therefore beg you will not take it. He replied, I will have it instantly, or blow your brains out; upon which I gave it him.

Q. What became of him afterwards?

A. He rode on towards Southampton, and we followed slowly in the Diligence.

Q. Did you ever see the man before that evening?

A. Never, that I know of.

Q. Do

Q. Do you know the man again?

A. Yes; the prisoner is the man.

Q. Are you sure he is the person who robbed you?

A. He is, I am certain.

To the PRISONER.

Q. Would you ask this witness any questions?

A. No, my Lord.

Q. Have you any thing to say in your defence?

A. All that I have to say is, that I submit my case to the mercy of the Court.

The Judge then proceeded to sum up the whole of *Mr. Noyes's* evidence to the Jury, observing that no facts could be more plainly proved, and therefore it was needless to go on any further in examination of witnesses; and as nothing was brought to invalidate the evidence of *Mr. Noyes*, whose depositions were remarkably strong and clear, he could not offer one circumstance in favour of the prisoner, whom he supposed they could not but find guilty in this, as well as on the last indictment.

The Jury without the least hesitation returned a verdict, **GUILTY.**

His Lordship not thinking it necessary to try them on any more of the indictments, ordered *James Caldwell* to the bar, and sentence of death was passed on them both, in words to the following effect.

CONDEMNATION.

Thomas Boulter and *James Caldwell*, I have now got to the most disagreeable moment I ever felt in my life ; a moment in which I am to pass sentence of death on my fellow-creature, and in a case which neither permits me to reach out the hand of lenity, or give you the least hopes of being saved from untimely death. As to you, *James Caldwell*, I have declined trying you on any other indictment than the first, though there are several against you, for a particular reason that occurred to my mind, and which I will tell you of. ---It is such as aggravates your crime, and renders you ten times more criminal,---that of attempting to suborn the religious principles of a poor unthinking girl your servant, of endeavouring to prevail with her, in the grossest and most glaring manner, in the face of this Court, to commit wilful and corrupt perjury, in order to screen yourself from that chastisement which your other crimes but too justly deserve, and which added to the present, render you the most fit object for public example. Happily her mind was better guarded than to fall into the snare you had

had laid for her, nor would her conscience suffer her to swear positively to what you both knew had no foundation in truth. As for you, *Boulter*, though I have not discovered in any part of your character so base an attempt to involve the innocent in your own crimes, yet are your offences so multiplied, so notorious, and of so criminal a nature, that the most distant hope does not exist for the preservation of your life. You are a young man, in the prime of life, and heaven in its abundant goodness has extended to you the blessings of health, strength and vigour, thus enabling you to get your bread in an honest way, and to have lived an useful member to society; how grossly then have you abused these blessings! by giving up your life to a series of wickedness, appropriating the means thus given you for the support of virtue and honesty, to the most abandoned way of life, existing by rapine, and plundering your neighbours.---Prepare then, during the short time you have to live, to make such atonement for these offences, as may entitle you to forgiveness and mercy before that awful tribunal, where you must shortly be arraigned.---You are to be taken hence to the place of execution, where you are to hang till you are dead, and the Lord have mercy on your souls.

After condemnation, Boulter addressed himself to the Judge, saying, he was a very young man, not yet twenty-four years of age; that he was fully sensible of the badness of his crimes,
and

and the justness of his sentence, yet he hoped, as he had never committed the least act of violence upon any person he had robbed, mercy might be found for him, and begged his Lordship, in the goodness of his heart, would intercede with his Majesty in his behalf, to inflict any thing on him, rather than that fatal and ignominious death; that he would most willingly serve his Majesty in any situation abroad, for life, not doubting but in such a capacity he should be enabled to make his country some amends for the numerous offences he had committed in it, and of which he now sincerely repented.---His Lordship answered, that he must apply to some other quarter, for that his offences were so bad, that he could not look upon him as a fit object of mercy.

F I N I S.

N. B. The LIFE of THOMAS BOULTER, with an account of all his *Highway Robberies*, and several other extraordinary Incidents of his Life, will speedily be published.

E. E. M. F.